

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Wednesday, March 29, 2006 – 9:00 a.m. – Room W135 House Building

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. David Ure, House Chair
Sen. Mike Dmitrich
Sen. Ed Mayne
Sen. Michael G. Waddoups
Rep. James R. Gowans
Rep. Kory M. Holdaway
Rep. Carol Spackman Moss
Rep. Merlynn T. Newbold

Members Excused:

Sen. Mark B. Madsen

Staff Present:

Mr. Arthur L. Hunsaker, Policy Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Tracey Fredman, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Ure called the meeting to order at 9:17 a.m.

MOTION: Sen. Waddoups moved to approve the minutes of the January 20, 2006 meeting. The motion passed unanimously. Sen. Mayne was absent for the vote.

Mr. Ken Hansen, Director, Division of Administrative Rules, distributed and reviewed "Notice of 120-Day (Emergency) Rule, R15-4 Administrative Rulemaking Procedures."

2. Secondary School Completion and Diplomas

Mr. Hunsaker introduced the issue.

Rep. Holdaway distributed 2nd Sub. H.B. 155 "Education Testing and Graduation Amendments," 2006 General Session. He also referred to 1st Sub. H.B. 374 "High School Diploma Amendments," 2006 General Session, contained in the mailing packet, and discussed provisions of each bill. Neither bill passed.

Ms. Patti Harrington, Utah State Superintendent of Public Education, reported that the board's rule now requires two diplomas. One would be given to a student who passes the UBSCT (Utah Basic Skills Competency Test), and would designate that the student had passed the UBSCT, and the other diploma would also be called a diploma but would indicate that the student did not pass the UBSCT. She said that students who did not fulfil the requirements of either diploma would receive a Certificate of Completion.

Ms. Carol Lear, Attorney, Utah State Office of Education, said the rule, R277-705, "Secondary School Completion and Diplomas," became effective recently. Ms. Lear commented that the Utah Board of Education felt the rule was in compliance with statute. She also responded to questions from the Committee.

Sen. Stephenson stated that, in his view, the rule does not comply with UCA Subsection 53A-1-611(2)(d) regarding the wording of an alternative completion diploma.

The Committee took no action.

3. Statutes, Rules, and Bylaws Governing Charter School Student Participation in Activities

Chair Ure introduced the issue.

Representative Michael Morley commented on his concern regarding limitations on students' participation in athletic programs when transferring from a public school to a charter school. He said rules should not be passed that would create an unfair environment for charter schools that have been chartered with athletics as part of their curriculum.

Mr. Ray Timothy, Associate State Superintendent, Utah State Board of Education (Board), explained the process used in the development of rules and bylaws. He said members of the Board are on the Utah High School Activities Association's Board of Trustees.

Mr. Evan Excell, Executive Director, Utah High School Activities Association (Association), discussed the participation of charter schools in athletic activities and said they are treated as any other schools that are members of the Association.

Mr. Rob Muhlestein, Director, ALA (American Leadership Academy), said a large number of potential students are being told by some local districts that if they attend ALA they won't be able to participate in sports activities. Mr. Muhlestein said he'd like to see the local public schools refrain from deterring students from even considering attendance at a charter school.

Ms. Kim Frank, citizen, expressed concern with the constraints her son experienced regarding athletic activities when choosing between a charter and a public school.

Mr. Jerry Bovee, Assistant Director, the Association, explained that when a school is not a member of the Association, school districts can make agreements with their local charter schools on athletic participation. If the districts choose not to make agreements with the charter schools within their district boundaries, students must attend a local public school full-time to participate in desired athletic activities at that school.

Ms. Julie Adamic, State Charter Board, spoke to the issue discussed by Ms. Frank.

4. Committee Business

Future meetings were scheduled for April 11, 2006 at 9:00 a.m., and April 25, 2006, at a time yet to be confirmed.

Mr. Hunsaker distributed "Administrative Rules Review Committee Study Areas" to members of the Committee.

5. Adjourn

Chair Ure adjourned the meeting at 11:07 a.m.